

PETITION: SMALL CLAIMS CASE

CASE NUMBER (Court Use Only)

FILED

32-SC-14-185

2014 JUN 12 PM 3:42

Plaintiff(s): David E. MackAddress: 7720 McCallum Blvd. #2099

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>	<u>972-735-9642</u>
City	State	Zip	Phone

VS.

Defendant(s): Midland Credit Management, Inc.Address: 8875 Aero Drive Suite 200

<u>San Diego</u>	<u>CA</u>	<u>92123</u>	<u>800-825-8131</u>
City	State	Zip	Phone

JUSTICE COURT
PCT. 3 PL. 2
COLLIN COUNTY, TEXAS
IN THE JUSTICE COURT

JUSTICE OF THE PEACE
PRECINCT 3-2

COLLIN COUNTY, TEXAS

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

Plaintiff received a call on his wireless phone on December 9, 2013 at 8:59 AM from Defendant who used ATDS capable equipment to call his wireless phone # 682-560-1675 from 877-237-0512 without Plaintiff's consent to do so in violation of 47 U.S.C. § 227/Texas Bus. Code Ann. § 305.053. Defendant failed to identify itself as a debt collector or the purpose of its call when making the call in violation of 15 U.S.C. § 1692d and § 1692e(11).

RELIEF: Plaintiff seeks damages in the amount of \$ 1500, and/or return of personal property as described as follows (be specific): _____, which has a value of \$ _____. Additionally, plaintiff seeks the following: all costs of this action including, but not limited to, any attorney's fees. Trial by jury is requested.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

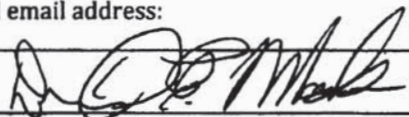
Corporation Service Company d/b/a/ CSC - Lawyers Incorporating Service Company 211 E. 7th St.

☒ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

mack2001@swbell.net

David E. Mack

Petitioner's Printed Name


Signature of Plaintiff or Attorney

7720 McCallum Blvd. #2099

Address of Plaintiff or Attorney

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>
City	State	Zip

972-735-9642

Phone Number/Fax Number

Defendant's Information (If known):

Date of Birth: _____

Last 3 Numbers of Driver's License: _____

Last 3 Numbers of SSN: _____

Defendant's Phone Number: 800-825-8131

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

CAUSE NUMBER: 32-SC-14-185

David E. Mack, PLAINTIFF §
 VS. §
Midland Credit Managemen, DEFENDANT §

IN THE JUSTICE COURT
 PRECINCT 3
 COLLIN COUNTY, TEXAS

2014 JUN 12 3:43
 JUSTICE COURT
 PRECINCT 3
 COLLIN COUNTY, TEXAS

FILED

My name is [please print] David E. Mack

I am [check one] ☒ the plaintiff or ☐ an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

☒ 1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows:

The Defendant is a corporation and cannot serve in the U.S. Military

☐ 2. Defendant [insert name(s)] _____ is on active duty in the U.S. military.

☐ 3. Defendant [insert name(s)] _____ has been deployed by the U.S. military to a foreign country.

☐ 4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military - except for any defendant named in 2 above.

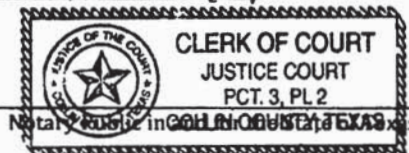
☐ 5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country - except for any defendant named in 3 above.

☐ 6. Defendant [insert name(s)] _____ has signed, while on active duty, a *separate written waiver* of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

[Signature]
 Affiant

Sworn to and subscribed before me on this the 10 day of June, 2014

[Signature]
 (Judge) (Clerk)
 Justice Court, Precinct 3-2
 Collin County, Texas



OFFICIAL RECEIPT

Judge John E. Payton Collin County Justice of the Peace Pct. 3-2 920 E. Park Boulevard,
Suite 210
Plano, Texas 75074
972-881-3051 *www.collincountytx.gov

Payor
Mack, David E
7720 McCallum Blvd.
#2099
Dallas, TX 75252

Receipt No.
2014-0002100-JP32

Transaction Date
06/12/2014

Description	Amount Paid
Mack, David E	
32-SC-14-00185	
David Mack vs. Midland Credit Management, Inc.	
Small Claims Filing Fee	41.00
SUBTOTAL	41.00
Remaining Balance Due: \$0.00	

PAYMENT TOTAL **41.00**

Cash Tendered	41.00
Total Tendered	41.00
Change	0.00

06/12/2014
03:56 PM

Cashier
Station JP32001

Audit
4425414

OFFICIAL RECEIPT

**STATE of TEXAS
CITATION**

Cause No. 32-SC-14-00185

DAVID E MACK	§	IN THE JUSTICE COURT
VS.	§	PRECINCT 3, PLACE 2
MIDLAND CREDIT MANAGEMENT, INC.	§	COLLIN COUNTY, TEXAS

THE STATE OF TEXAS TO **MIDLAND CREDIT MANAGEMENT, INC.**, DEFENDANT, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

Citation Placed in the Hands of: **PLAINTIFF**
Type of Case: **Small Claims**

STYLE

Plaintiff

DAVID E MACK
7720 McCallum Blvd
#2099
Dallas TX 75252
Represented By:
, attorney

Defendant

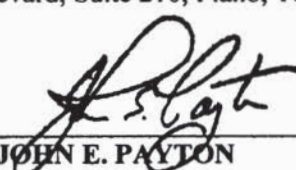
MIDLAND CREDIT MANAGEMENT,
INC.
8875 Aero Drive
Suite 200
San Diego CA 92123
By Serving:

This citation is issued pursuant to a petition filed by the above-named plaintiff on June 12, 2014.

Your answer may be filed with this Court, at 920 E. Park Boulevard, Suite 210, Plano, Texas, 75074.

ISSUED this the 17th day of July, 2014.





JUDGE JOHN E. PAYTON
JUSTICE of the PEACE
PRECINCT 3, PLACE 2
COLLIN COUNTY, TEXAS
(972) 881-3180